IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Bail Appl..No. 4753 of 2007()

CRMP.3559/2007 of J.M.F.C.,KASARAGOD
CRIME NO.350/07 OF KASARAGOD POLICE STATION

.....

PETITIONER/ACCUSED NO.13:

MANAMOHANAN @ MANU, AGED 30 YEARS,
S/O. SANTHAYYA, RESIDING AT MYLATTI HOUSE,
P.O. THEKKIL, KASARGOD.

BY ADV. SRI.SURESH KUMAR KODOTH
SRI.V.SETHUKUTTY AMMA

RESPONDENTS: STATE:

STATION HOUSE OFFICER,
KASARGOD POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4753 of 2007

Dated this the 6th day of August, 2007

ORDER

Application for regular bail. The petitioner is the 13th accused in a crime registered, inter alia, under Secs.308 and 452 read with Sec.149 of the IPC. The crux of the allegations is that a group of persons who were members of an unlawful assembly, trespassed into a hotel and indulged in wanton acts of violence. Exhaustive damage was allegedly caused to the hotel. There is also an allegation that the victim/the injured was attacked with dangerous weapons. But the petitioner is not named in the F.I.R. In the course of investigation, his complicity was allegedly ascertained and he was arrayed as an accused. He was arrested and continues in custody from 24/7/07. Some of the co-accused have already been arrested and enlarged on bail.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has been brought on the array of parties for the sole reason that he happens to be a

B.J.P. activist. At any rate, the petitioner, who has remained in custody from 24/7/07, may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. Investigation is not complete. The petitioner may not be enlarged on bail at this early stage, submits the learned Public Prosecutor.

4. Notwithstanding the opposition by the learned Public Prosecutor, I am satisfied that the petitioner can be enlarged on bail subject to appropriate conditions. A reasonable further time can be granted to the Investigator to complete the investigation. Appropriate conditions can also be imposed on him, I am satisfied.

5. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 10/8/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.50,000/-

with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three moths and thereafter as and when directed by the in in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge